

## Message Text

CONFIDENTIAL

PAGE 01 STATE 016967

61

ORIGIN L-02

INFO OCT-01 EUR-12 ISO-00 AEC-05 AID-05 CEA-01 CIAE-00

CIEP-01 COME-00 DODE-00 EB-07 FPC-01 H-01 INR-07

INT-05 NSAE-00 NSC-05 OMB-01 PM-03 RSC-01 SAM-01

OES-03 SP-02 SS-15 STR-01 TRSE-00 FRB-03 FEA-01 OIC-02

/086 R

DRAFTED BY L:SMSCHWEBEL:CDJ

APPROVED BY EB:TOENDERS

EB/ORF/FSE:RMARTIN

L/EB:GARSEN

EUR/RPE:EPREEG

EUR/NE:APINKNEY

IO/OIC:CBASS

----- 026123

R 241418Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

INFO AMEMBASSY OSLO

AMEMBASSY BRUSSELS

USMISSION OECD PARIS

C O N F I D E N T I A L STATE 016967

E.O. 11652: GDS

TAGS: ENRG, NO

SUBJECT: IEA - AGREEMENT FOR NORWEGIAN AFFILIATION

1. UK EMB GAVE DEPT ON JAN 16 A COPY OF AN AIDE MEMOIRE WHICH WAS DESCRIBED AS HAVING BEEN PRESENTED BY UK TO NORWAY ON QUESTION OF NORWAY'S ASSOCIATION WITH IEA. THRUST OF IT IS THAT THERE ARE LEGAL OBJECTIONS TO AN ASSOCIATION AGREEMENT RUNNING BETWEEN NORWAY AND IEA.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 016967

HMG SUGGESTS THAT LEGALLY SOUNDER PROCEDURE WOULD EITHER

BE AGREEMENTS FOR NORWEGIAN ASSOCIATION WITH IEA RUNNING BETWEEN NORWAY AND THE SIXTEEN IEA MEMBERS, OR A PROTOCOL TO THE AGREEMENT ON AN INTERNATIONAL ENERGY PROGRAM PROVIDING FOR SPECIAL TERMS OF NORWEGIAN ASSOCIATION.

2. DEPT'S OFFICE OF LEGAL ADVISER HAS GIVEN CAREFUL CONSIDERATION TO CONSIDERATIONS ADVANCED IN HMG AIDE MEMOIRE. WHILE APPRECIATING THEIR FORCE, DEPT HAS ARRIVED AT DIFFERENT CONCLUSIONS ON LEGAL AS WELL AS PRACTICAL GROUNDS. PRACTICALLY, WE BELIEVE IT UNDESIRABLE TO EFFECT NORWEGIAN AFFILIATION EITHER BY AGREEMENTS BETWEEN NORWAY AND SIXTEEN OTHER STATES OR BY PROTOCOL TO IEP AGREEMENT, BECAUSE EITHER COURSE IS COMPLEX, COULD

COMPLICATE PARLIAMENTARY AND CONGRESSIONAL CONSIDERATION OF IEP AGREEMENT AND WOULD EMPHASIZE SPECIAL TREATMENT TO BE ACCORDED NORWAY IN MANNER WHICH MIGHT EMBARRASS CERTAIN OF THE SIXTEEN GOVERNMENTS. E.G., IF NORWAY'S SPECIAL STATUS HAD TO BE PASSED UPON BY THE CANADIAN PARLIAMENT, UNFORTUNATE QUESTIONS ABOUT WHY CANADA IS NOT AFFORDED LIKE SPECIAL TREATMENT COULD BE POSED.

3. MOREOVER, WE DO NOT REGARD HMG VIEWS AS LEGALLY COMPELLING. WE BELIEVE THAT BETTER LEGAL VIEW IS THAT NORWAY, BY FORCE OF THE ASSOCIATION AGREEMENT, WOULD IN EFFECT, THOUGH NOT IN TERMS, BE ACCEDING TO THE IEP AGREEMENT WITH RESERVATIONS, EVEN IF IT IS POLITIC TO DENOMINATE THIS ACCESSION AS AN "ASSOCIATION" FOR NORWEGIAN INTERNAL REASONS. IT IS CONTEMPLATED THAT NORWAY WILL SIT IN THE GOVERNING BOARD AND VOTE. ACCORDING TO THE TERMS OF ARTICLE 50 AND 62 OF THE IEP AGREEMENT, NORWAY THUS WILL BE A "PARTICIPATING COUNTRY". IF SO, IT THEN WOULD APPEAR THAT NORWAY WILL NOT BE A COUNTRY OR ENTITY DEALT WITH UNDER ARTICLE 63, I.E., A NON-PARTICIPATING COUNTRY OR ENTITY. RATHER, ITS ACCESSION WOULD BE EFFECTED UNDER ARTICLE 71. PURSUANT TO THAT ARTICLE, THE GOVERNING BOARD WOULD EXERCISE ITS DISCRETION TO CONCLUDE THAT NORWAY MAY ACCEDE TO THE AGREEMENT WHILE MEETING SOME, BUT NOT ALL, OF THE REQUIREMENTS OF THE AGREEMENT (BUT WHILE UNDERTAKING COMPENSA-

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 016967

TORY OBLIGATIONS). AS THE VIENNA CONVENTION ON THE LAW OF TREATIES PROVIDES, "WHEN A TREATY IS A CONSTITUENT INSTRUMENT OF AN INTERNATIONAL ORGANIZATION...A RESERVATION REQUIRES THE ACCEPTANCE OF THE COMPETENT ORGAN OF THAT ORGANIZATION", WHICH IN THIS CASE IS THE GOVERNING BOARD.

4. FOR LONDON:EMB SHOULD MAKE FOREGOING POINTS TO FON-

OFF AND STATE THAT DEPUTY LEGAL ADVISER SCHWEBEL, WHO WILL ACCOMPANY ENDERS AS A MEMBER OF USDEL TO IEA GOVERNING BODY MTG IN PARIS FEB 5-7, WOULD BE GLAD TO STOP IN LONDON BEFORE TO DISCUSS LEGAL ASPECTS OF MATTER IN DETAIL SHOULD FONOFF LEGAL ADVISERS THINK THAT WOULD BE USEFUL. IN THAT EVENT, SUGGEST YOU ARRANGE APPOINTMENT FOR AFTERNOON OF FEB 3 OR MORNING FEB 4.

5. FOR OSLO: REQUEST YOU SAY TO FONOFF ONLY THAT WE HAVE SEEN HMG AIDE MEMOIRE, THAT WE DO NOT AGREE WITH ITS LEGAL CONCLUSIONS, AND THAT WE ARE OF VIEW THAT NORWAY AND IEA ARE LEGALLY ENTITLED TO ENTER INTO AN ASSOCIATION AGREEMENT ON LINES DAVIGNON HAS BEEN DISCUSSING WITH NORWAY.

6. FOR BRUSSELS AND PARIS: REQUEST YOU MAKE POINTS CONTAINED IN PARAS 1-3 THIS MESSAGE TO DAVIGNON AND LANTZKE.

7. SEPARATE ACCREDITATION TELEGRAM FOLLOWS FOR IEA GOVERNING BOARD. INGERSOLL

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** INTERNATIONAL LAW, INSTRUCTIONS, AIDE MEMOIRE, OPPOSITION TO ADMISSION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 24 JAN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE016967  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** SMSCHWEBEL:CDJ  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750028-0373  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750122/aaaaateo.tel  
**Line Count:** 136  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN L  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 04 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <04 APR 2003 by BoyleJA>; APPROVED <15 SEP 2003 by CunninFX>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** IEA - AGREEMENT FOR NORWEGIAN AFFILIATION  
**TAGS:** ENRG, PORG, NO, UK, IEA  
**To:** LONDON  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006